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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/025,515 | 12/18/2001 | William E. Webler | ACS-60271 (2168P) | 6307 |
| 24201 | 7590 | 08/30/2006 | EXAMINER | |
| FULWIDER PATTON 6060 CENTER DRIVE 10TH FLOOR LOS ANGELES, CA 90045 | | | LEUBECKER, JOHN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3739 | |

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/025,515 | WEBLER ET AL. | |
| | Examiner | Art Unit | |
| | John P. Leubecker | 3739 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 June 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 17-19 and 31-35 is/are pending in the application.
 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
 5) Claim(s) 35 is/are allowed.
 6) Claim(s) 1-5, 8, 9, 17, 19 and 31-34 is/are rejected.
 7) Claim(s) 6 and 7 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-5, 8, 9, 17, 19 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Forkner et al. (U.S. Pat. 4,750,476) for the reasons set forth in numbered paragraph 2 of the previous Office Action, paper number 03062006.
3. Claims 1-5, 8, 9, 17, 19 and 31-34 are rejected under 35 U.S.C. 102(b) as being Hamlin by Hamlin et al. (Re 36,434).

Hamlin et al. discloses an optical instrument (camera 22) including an optical connector (lens, CCD chip optically connected to the optical system 14, Fig.3), a mechanical connector (threads 42), and an optical guide wire including an elongated shaft (18) having a longitudinal axis and proximal (56) and distal portions (54) having ends, the proximal portion having a substantially constant outer diameter (Fig.4), an optical pathway configured for passing optical radiation (64), and an internal surface having a proximal portion (inner surface of proximal portion 56, Fig.4) and defining an internal chamber (inner space of proximal portion 56) within the elongated shaft extending to the optical pathway; an elongated optical fiber (26 or note that optical system 14 can be an optical fiber (col.8, lines 6-11)) extending substantially an entire length of said internal chamber of said elongated shaft; and a ferrule (10) directly connected to said optical fiber (Fig.3) and having a distal portion (16) with a diameter and an outer surface (Fig.3), a proximal portion (24) with a substantially constant outer diameter and an outer surface

(Fig.3), the outer diameter being substantially the same as the outer diameter of the elongated shaft proximal portion (note Fig.7) and configured to have a first position in which said ferrule is secured to the elongated shaft (Fig.7) and a second position in which the ferrule is released from the elongated shaft (Figs.3 and 4) and is free to rotate around said longitudinal axis. Note that the elongated shaft and ferrule are secured by a friction fit (col.6, lines 3-5). The proximal aperture in the shaft provides a “slot”. Also the proximal end (58, Fig.4) of the shaft helps define the reduced diameter portion in the ferrule (see Fig.7) which can be considered a “slot”.

Allowable Subject Matter

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 35 is allowed.

6. The reasons for the indication of allowable subject matter appear in numbered paragraph 5 of the previous Office Action, paper number 03062006.

Response to Arguments

7. Applicant's arguments filed June 19, 2006 have been fully considered but they are not persuasive.

Regarding the Forkner et al. reference, the Examiner considers elements (19) and (23) to meet the limitations of the elongated shaft, not the optical fiber. This rejection is being maintained.

Although the amendments overcome the Oneda et al. reference, the Examiner maintains that such amendments still do not define patentable subject matter, as indicated by the rejection over Hamlin et al. Note numbered paragraph 7 of the previous Office Action

Conclusion

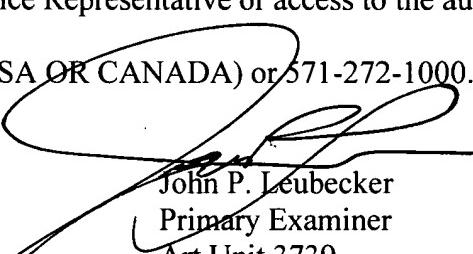
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John P. Leubecker
Primary Examiner
Art Unit 3739

jpl